

**Introduced by Senator Torres**

*(Principal coauthor: Assembly Member Rodriguez)*

February 6, 2014

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An act to add Section 801.7 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 951, as amended, Torres. Statute of limitations: conspiracy.

Existing law requires that prosecutions for specified offenses begin within a prescribed period of time based on the term of the sentence for the crime. Under existing law, conspiracy to commit a crime is punishable as a felony, as prescribed, but in most cases in the same manner as is provided for punishment of the underlying felony.

This bill would require a prosecution for conspiracy to commit a crime to be commenced within the time required for the commencement of prosecution for the underlying crime. *The bill would also specify the intent of the Legislature that the measure abrogate a prior judicial holding that prosecution for the crime of conspiracy to commit a felony must commence within 3 years.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     **SECTION 1.** *It is the intent of the Legislature in enacting this*
- 2     *act to abrogate People v. Milstein (2012) 211 Cal.App.4th 1158*
- 3     *to the extent that it holds that prosecution for the crime of*
- 4     *conspiracy to commit a felony must commence within three years.*

1 *This measure is not intended to undermine the proposition that*  
2 *the period of limitation for conspiracy commences to run with the*  
3 *last overt act committed in furtherance of the conspiracy.*

4 ~~SECTION 1.~~

5 *SEC. 2.* Section 801.7 is added to the Penal Code, to read:

6 801.7. Prosecution for conspiracy to commit a crime pursuant  
7 to Section 182 shall be commenced within the time required for  
8 the commencement of prosecution for the underlying crime.